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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Gavin W. KELE

Examiner: **William Miller**

Serial No: **10/026,626**

Group Art Unit: **3677**

Filed : **December 27, 2001**

For : **METHOD AND APPARATUS
FOR LIFTING CRYPT LIDS**

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action of January 11, 2005, the Examiner rejected claims 3, 4 and 13 as being obvious over U.S. Patent 4,599,030 (Skaalen et al.) in view of U.S. Patent 4,740,131 (Mayle). The Examiner stated that Skaalen disclosed a vehicle for raising and transporting a structure, having a main frame on ground engaging elements, an attachment frame within the main frame for connecting to the structure to be lifted and a power lifting mechanism for raising the attachment frame relative to the main frame. The Examiner stated that while Skaalen did not disclose winches on the attachment frame having a winch line and a hook at the free end, such modification would be obvious in view of the disclosure of Mayle.

The Examiner stated Mayle disclosed a main frame, an attachment frame located within the main frame and a winch on the attachment frame enabling vertical translation of the structure to be carried relative to the attachment frame. The Examiner concluded it would have been obvious to modify Skaalen by replacing the connectors 42 with winches based on the disclosure of Mayle and that utilizing a winch is a well known attaching/lifting device in the article handling art as evidence by Mayle. This rejection is respectfully traversed.

The application discloses and claims a vehicle having a main frame supported on ground engaging elements, an attachment frame located within the main frame and moved relative to the main frame by a power lifting mechanism and a plurality of winches on the attachment frame for connection to a crypt lid. The combination of a power lifting mechanism for the attachment to move the attachment frame relative to the main frame and a plurality of winches on the attachment frame for connection to a crypt lid is not obvious in view of the combination proposed by the Examiner.

Skaalen discloses a straddle-lift container handler having a plurality of spaced apart posts on ground engaging elements and an attachment frame movable relative to the main frame and having guides 42 for centering the container under the attachment frame. The container and attachment frame are substantially the same size as seen in Figures 9 and 12. There is no disclosure of the specific structure used to connect the attachment frame to the container, but there is no suggestion or disclosure of any structure allowing relative movement between the container and attachment frame when connected.

Mayle discloses an apparatus for lifting and carrying heavy loads having a frame with two posts 13, 14 and a support beam 12 extending between the two posts. A winch 47 attached to the support beam, raises and lowers a bar 54 supporting a roll of material. The support beam is connected to the post by a locking mechanism disclosed in column 3, lines 20-24 and fully described in column 4, lines 20-59. When carrying a load, the support beam cannot be adjusted relative to the post and there is no power lifting mechanism.

It would not be obvious to one of ordinary skill in the art to place winches on the spreader frame 14 of Skaalen as there is simply no need or benefit. The spreader frame moves upwardly and downwardly by action of hoist 12 to engage and lift a container. The addition of winches to the frame would cause the weight of the container to be borne by the winches and allow

swaying movement of the container relative to the container handler, adding instability. The standard twenty foot container lifted by the container handler disclosed by Skaalen et al. weighs in excess of twenty tons causing great stress on the winches.

There is no disclosed or suggested advantage to adding winches to the spreader frame 14 of Skaalen. The spreader frame is vertically movable to lift the container and only disadvantages result from the addition of winches. Therefore, it would not be obvious to make the modification proposed by the Examiner.

The claims are allowable over the prior art and favorable action is eagerly and earnestly solicited. If any issues remain and the Examiner believes a telephone conversation would resolve such issues, the Examiner is urged to contact the undersigned attorney.

If any fees are due and owing, the Commissioner is authorized to charge Deposit Account No. 08-2455.

Respectfully submitted,


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